

COUNTY OF YORK

MEMORANDUM

DATE: May 24, 2001 (BOS Mtg. 6/5/01)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application of Robert Holloway for placement of No Wake Marker in the Poquoson River

Attached is a copy of an application from Robert Holloway for the placement by the Department of Game and Inland Fisheries (DGIF) of a "no wake" marker in the Poquoson River in the general vicinity of the Rogers L. Smith public boat landing at the end of Tide Mill Road. The application includes a copy of a map showing the proposed location for the marker. Mr. Holloway's reason for desiring a "no wake" marker is set out in his letter to the Board of February 3, 2001, which is also attached, as are two other letters of support.

For your information, the County currently has no "no wake" ordinance or regulation, and the County Attorney's review of the applicable statutes suggests that the DGIF has full authority to place "no wake" markers in navigable streams with or without any input from local governments. However, County staff have been advised by representatives of DGIF that "no wake" markers will not be placed in navigable streams unless the local governing body has made a recommendation supporting the creation of the "no wake zone." Even then, DGIF is not bound to act in accordance with the recommendation of the local governing body. If such signs are approved, the applicant is responsible for the costs of fabrication, installation and maintenance.

In advance of preparing this agenda package for the Board's review, the staff notified all waterfront property owners along the Poquoson River west of Smith Landing of Mr. Holloway's request. An informational meeting was conducted on April 2nd for those interested in the issue and officers from the Game and Inland Fisheries Department were present to answer questions. Mr. Burgett also attended the meeting. Subsequently, another letter was sent to the waterfront property owners informing them that the request was being prepared for discussion at the Board's June 5th meeting and inviting additional comments and questions. This application has been reviewed also by the Sheriff's Department and the Department of Fire and Life Safety.

Citizen comments at the April 2nd information meeting and subsequent to the latest notice have focused on whether the proposed sign would prevent reasonable use of the Poquoson River channel by recreational watercraft and whether the "no wake" designation would extend westward the entire length of the river. The Department of Game and Inland Fisheries officers made it clear in their remarks that the exact location of the proposed "no wake" sign would be carefully evaluated and field check (by DGIF) to ensure that it meets the intended objective (minimizing shoreline erosion) and that it does not hinder safe and reasonable use of the channel. It was emphasized, however, that this proposed sign would not impose a "no wake" designation on the entire length of the river and that the "no wake zone" would be

in the vicinity of the sign. Although an “entire river” designation could be considered, that is not what is being requested or proposed by Mr. Holloway.

Based on the discussion at the April 2nd informational meeting and the explanations of the DGIF officers, I believe that endorsement of Mr. Holloway’s request would be appropriate. While the “no wake” designation will not fully address the issue of jet skis and other watercraft cited by the upriver property owners, it should assist in minimizing shoreline erosion in the immediate vicinity of the sign. Accordingly, attached is a proposed resolution which, if adopted, would communicate to DGIF the Board’s recommendation for the creation of the no wake zone.

Carter/3337:jmc

Attachments:

- Application of Robert Holloway to DGIF for "No Wake" Marker
- Letters from Robert Holloway, Everett & Juanita Davis, and James M. and Virginia R. Russell, III
- Resolution R01-55